

U.S. DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

NAUTILUS INSURANCE COMPANY,

Plaintiff,

v.

CLAUDEMIR DEARAUJO, ANDERSON G.
TEIXERIA AND S&J TREE SERVICE &
LANDSCAPE, INC.

Defendant.

CIVIL ACTION NO.:
1:20-cv-11058-ADB

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Now comes Plaintiff Nautilus Insurance Company, by and through its appointed counsel Morrison Mahoney LLP, and respectfully asks that this court enter judgment in its favor pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1.

As set forth in the attached Memorandum of Law and supporting materials, the liability insurance policy that Nautilus issued to Defendant S&J Tree Service & Landscape does not provide coverage for the law suit that Claudemir Dearaujo has brought against S&J Tree Service & Landscape and its principal Anderson G. Teixeira by reason of an exclusion in the policy for injuries of the sort claimed by Claudemir Dearaujo. As a result, this court should enter judgment in Plaintiff's favor declaring that Nautilus has no further obligation to provide a defense to S&J Tree Service & Landscape and/or Teixeira.

As the determination of an insurer's defense obligations is purely a question of law that can be decided by comparing the subject policy with the allegations in the underlying law suit, it is an entirely appropriate matter to be decided by way of Rule 56 at the very outset of this litigation without delay or the expense of discovery.

WHEREFORE, the Plaintiff Nautilus Insurance Company respectfully requests that this Honorable Court declare and adjudicate the rights, duties and responsibilities of the parties under the terms and provisions of Policy No. NN623574 and issue a declaration that this policy does not provide coverage for claims that Claudemir DeAraujo has brought against S&J Tree Service and Landscaping, Inc. and Anderson G. and for other and further relief as this Honorable Court deems just and proper.

PLAINTIFF,
NAUTILUS INSURANCE COMPANY

By its attorney,

By: /s/ Michael Aylward

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